

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DISTRICT

2006 FEB 26 P 7:47

IN RE:

Atheal Pierce  
Debtor, Appellant, (**redemption/equity/arbitration** rights)  
5916 Havenwood Drive, Montgomery, Al  
701 Doris Circle mortgage interest, Montgomery, Al

v.

CLERK'S OFFICE  
U.S. BANKRUPTCY COURT  
MONTGOMERY, AL  
Dc-2:05cv-1014-t

Bc:05-31205-w

American General Finance Management Corporation,  
Creditor, Appellee with mortgage rights 5916 Havenwood  
Drive, Montgomery, Al.  
Creditor mortgage interest 701 Doris Circle, Montg., Al.

**NOTICE OF APPEAL** and request for the Bankruptcy Court and  
District Court clerks to send up the complete records from  
both courts including all hearing transcripts.

Pirece is appealing the final judgment/Order of the United  
States District Court and requesting **immediate relief** as  
requested in DC document no. 16 and BC document no. 45 from  
Bankruptcy Court records in support of this appeal.

Notice of service and filing of appeal to:

Mr. Charles Parnell P.O. Box 2189 Montgomery, Alabama 36102	Ms. Sabrina Mckinney P.O. Box 173 Montgomery, Alabama 36101
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Honorable Clifford White 950 Pennsylvania Avenue, N.W. Washington, DC 20530	Chief Clerk P.O. Box 173 Montgomery, Alabama 36101
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American General Finance Management Corporation 601 NW 2 <sup>nd</sup> Street Evansville, IN 47708-1013	Curtis Reding P.O. Box 173, Montg., Al 36101
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Mr. Truman Hobb, P.O. Box 1667 Montgomery, Alabama 36102	U.S. 11 <sup>th</sup> Circuit Atlanta, Georgia
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Done this 25<sup>th</sup> day of February 2006.

Atheal Pierce  
112 knollwood Blvd., Montgomery, Alabama 36117

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION  
2005 DEC 23 AM 10:15

ATHEAL PIERCE, }  
Debtor/Appellant, }  
vs. Docket Number 2:05-1014-T } Case Cite: 2/05/1014-T  
AMERICAN GENERAL FINANCE COMPANY }  
Adversary/Appellee. }

Pierce's EMERGENCY Motion For Relief and showing JUST CAUSE and seeking judicial review and intervention with chapter 13 purview involving AMERICAN GENERAL FINANCE COMPANY; and others

Pierce states as follows:

I.

Pierce did not file a new response to the Trustee's motion do dismiss because she did not include any new information that would support her position and Pierce had already filed a response. The Trustee did not carry the unaltered clerk records with her motion. Pierce knows that the stamped records will bear witness that Pierce timely filed the notice of appeal.

Ia.

Pierce filed a timely appeal and said documents were personally timely filed. There should be a stamped copy. Pierce knew to have the documents stamped. The documents Trustee put before the court is a fraud of the truth. Sometime after documents were stolen from 5916 Havenwood Drive, the Trustee skillfully approached this honorable court with additional efforts to have appeal dismissed with false stamped documents attached thereto.

II.

**Pierce documents left on the 5916 Havenwood Drive's counter top are missing – verified by my plain view assessment and my attempt to gain entry to my property.**

**IIa.**

**Pierce shows cause for inactivity:**

**1)**

**Pierce is under involuntary and total legal disability. 5916 Havenwood Drive is close to a Law School's law library. 5916 was targeted and invaded, by American General Finance Company and others, new locks installed and thus, theft of property, trespass entry and intended and purposeful removal of Pierce's legal records and files without the consent of Pierce was calculated. Pierce remains locked out and kept away from Pierce's appeal files and documents.**

**2)**

**The Trustee knows about the legal grab, because she keeps filing papers knowing that the Property of Pierce was invaded shortly after the scheduling conference was held and American General's lawyer stated that she agreed with the Trustee's employee but frustrated her known role and partaking in this appeal.**

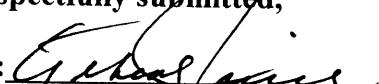
**3)**

**Through the very actions of the American General Company, Pierce is being kept from participating in the Chapter 13 process and kept from prosecuting the appeal due to forced disability.**

**Wherefore, Pierce pray that this honorable judge and court stay all proceedings and issue a judicial review. Pierce desires to prosecute this appeal Pro Se. Further relief includes:**

- A- American General Finance Company be kept from invading the property of Pierce until finality of proceedings.**
- B- American General Finance Company return all legal appeal papers and personal property of Pierce.**
- C- Restore Pierce to the position he enjoyed prior to the actions of American General Finance Company.**
- D- Allow each party to file a brief on appeal consistent with the original scheduling order.**
- E- Issue an injunction against American General Finance Company in as much as the Chapter 13 appeal would allow since American General Finance Company has locked out Pierce from Pierce's main appellate files and most of those to be used for appeal purposes.**
- F- Issue an order vacating or condemning the unfavorable acts of American General Finance Company to the degree such actions encroaches upon the Chapter 13 protective insurance due to be enjoyed by Pierce.**

Respectfully submitted,

By:   
112 Khollwood Blvd.  
Montgomery, Alabama 36117  
334-215-7525

Certificate of service

I faxed and/or mailed a copy of this pleading upon the following listed parties by placing a copy of same in the U.S. Mail, postage pre-paid and properly addressed this 23<sup>rd</sup> day of December.

**Charles N. Parnell  
P.O. Box 2189  
Montgomery, Alabama 36102**

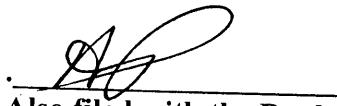
**James Walker  
P.O. Box 1682  
Montgomery, Alabama 36102**

**Teresa Jacobs  
One Church Street  
Montgomery, Alabama 36104**

**Sabrina McKinney  
P.O. Box 173  
Montgomery, Alabama 36101**

**Paul Pogue  
1919 Minter Avenue  
Selma, Alabama 36701**

**James Walker  
P.O. Box 1682  
Montgomery, Alabama 36102  
Curtis Reding  
P.O. Box 36101**



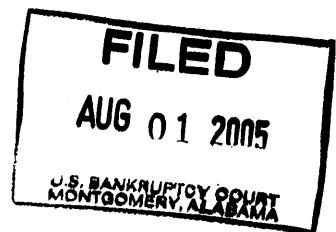
**Also filed with the Bankruptcy Court Clerks Office for record  
case file--05/31205/DHW-132**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE:

ATHEAL PIERCE,  
Debtor.

CHAPTER No. 13  
Case No. 05-31205



**OBJECTION and RESPONSE**

5901 Havenwood, Montgomery, Alabama

TO: The Honorable Dwight H. Williams, United States Bankruptcy Judge:

Comes Now your Debtor, Athael Pierce and for good cause submits this objection and response as to the real property located at 5901 Havenwood Drive, Montgomery, Alabama, in reply to the motion to lift stay.

1. Debtor owns an undivided five (5) percent ownership of unit 5901 at Havenwood Drive, Montgomery, Alabama.
2. After confirmation of a plan, Debtor will properly proceed to ask the Honorable and presiding court official in this cause to reach a determinative value of said five percent.
3. Debtor is without information as to the co-owner's contract with American General Finance and/or Mr. Charles Parnell.
4. Mr. Charles Parnell knew or should have known that Debtor has not put before this honorable court any matters pertaining to unit 5901 beyond "broad claim disclosure" at page 2 of 2 in reference to 11 USC section 363(h) and 11 USC section 506.
3. The motion to lift stay is errant, prejudicial and not pleaded in good spirit.
4. Debtor is not aware of a confirmed plan as alleged by Mr. Parnell. Also, Debtor does dispute the pleadings of Mr. Parnell.

Wherefore, Debtor prays that the motion to lift stay be denied or grant an evidentiary hearing on the matter and grant Debtor that which is fair under the circumstances and assess litigation expenses in favor of your Debtor/Respondent as this Court deems proper.

Respectfully submitted,

  
ATHEAL PIERCE

112 Knollwood Blvd.  
Montgomery, Alabama 36117

Certificate of Service

I hereby certify that I have mailed a copy of this pleading by U.S. mail, postage prepaid, to the following on this, the 1st day of August, 05.

Honorable Curtis C. Reding  
Trustee  
P.O. Box 173  
Montgomery, Alabama 36101

Honorable Tresa Jacobs  
Bankruptcy Court Administrator  
One Church Street  
Montgomery, Alabama 36104

Mr. Charles Parnell  
P.O. Box 2189  
Montgomery, Alabama 36102

Mr. Barry Ross  
Havenwood Village, Inc. and  
Havenwood Village Condominium Association, Inc.  
124 North Haardt Drive  
Montgomery, Alabama 36105r

Mr. Billy James Gray  
Co-owner of Unit Number 5901  
Havenwood Drive  
Montgomery, Alabama 36117  
A.P. AJ

James E Walker  
P.O. Box 1482  
Montgomery, AL 36102

		Motion to Dismiss is set for submission, without oral argument, on 12/5/05. Signed by Judge Myron H. Thompson on 11/10/05. (sl, ) (Entered: 11/10/2005)
11/10/2005	● <u>11</u>	ORDERED with regard to the appeal, as follows: (1) Appellant Atheal Pierce's brief is due by 12/9/05; (2) Appellee Curtis C. Reding's brief is due by 12/19/05; (3) Appellant Pierce may file a reply brief by 12/28/05; (4) the appeal in this case is set for submission, without oral argument, on 12/28/05. Signed by Judge Myron H. Thompson on 11/10/05. (sl, ) (Entered: 11/10/2005)
11/10/2005	● <u>12</u>	ORDER denying <u>8</u> Motion for Continuance . Signed by Judge Myron H. Thompson on 11/10/05. (sl, ) (Entered: 11/10/2005)
11/21/2005	● <u>13</u>	BRIEF/MEMORANDUM in Support re <u>5</u> MOTION to Dismiss <i>Appeal</i> , <u>10</u> Order,, Set Deadlines, filed by Curtis Redding. (McKinney, Sabrina) (Entered: 11/21/2005)
12/15/2005	● <u>14</u>	BRIEF/MEMORANDUM in Opposition re <u>11</u> Order,, Set Deadlines, <i>Response/Brief in compliance with Court's Scheduling Order on Appeal</i> filed by Curtis Redding. (McKinney, Sabrina) (Entered: 12/15/2005)
12/20/2005	● <u>15</u>	ORDERED that appellant Atheal Pierce show cause, if any there be, in writing by 4:00 p.m. on 1/3/2006, as to why his appeal should not be dismissed for failure to prosecute. Appellant Pierce is informed that, if he fails to respond to this order within the time allowed, his appeal will be dismissed. The Clerk of Court is directed to mail a copy of this order to appellant Pierce at his address of record, by certified mail, return receipt requested. Signed by Judge Myron H. Thompson on 12/20/05. (sl, ) (Entered: 12/20/2005)
12/23/2005	● <u>16</u>	EMERGENCY MOTION for Relief and showing Just Cause re: <u>15</u> Order and seeking judicial review and intervention with Chapter 13 by Atheal Pierce. (sl, ) (Entered: 12/23/2005)

07/17/2005      ● 42 BNC Certificate of Service - Hearing - (RE: related document(s) 41 Hearing (Bk)). No. of Notices: 2. Service Date 07/17/2005. (Admin.) (Entered: 07/18/2005)

07/18/2005      ● 43 Notice of Hearing Set (RE: related document(s) 18 Motion for Relief From Stay, 40 Motion to Set Hearing). Hearing scheduled for 8/8/2005 at 09:15 AM at Courtroom 4C, Judge Williams Presiding, U.S. Bankruptcy Court, Montgomery, AL. (JC, ) (Entered: 07/18/2005)

07/20/2005      ● 44 BNC Certificate of Service - Hearing - (RE: related document(s) 43 Hearing (Bk)). No. of Notices: 5. Service Date 07/20/2005. (Admin.) (Entered: 07/21/2005)

07/25/2005      Flags: FeeDueServ flag(s) removed. Fee was paid (JGC, ) (Entered: 07/25/2005)

08/02/2005      ● 45 Objection To Motion To Lift Stay Filed by Atheal Pierce (RE: related document(s) 18 Motion for Relief From Stay filed by Creditor c/o Parnell & Crum American General Finance). (JT, ) (Entered: 08/02/2005)

08/02/2005      ● 46 Objection To Motion For Relief From Stay Filed by Atheal Pierce (RE: related document(s) 18 Motion for Relief From Stay filed by Creditor c/o Parnell & Crum American General Finance). (JT, ) (Entered: 08/02/2005)

08/02/2005      ● 47 RESCHEDULED Meeting of Creditors Chapter 13 and Notice of Confirmation Hearing (Non-Image Entry) Section 341(a) Meeting of Creditors to be held on 8/25/2005 at 01:30PM at 341 Meeting of Creditors (4E), U.S. Bankruptcy